THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.20998 of 2006

Dated: 11th October, 2006

Between:

Jatoth Tirupathy. **…..PETITIONER**

AND

Govt of A.P., rep. by its Secretary
Dept. of Tribal Welfare, Secretariat,
Hyderabad and 2 others. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.20998 of 2006

ORDER:

The main relief sought for by the petitioner in this writ petition is to direct the respondents to implement the order of the Authority under Section 48 (1) of Andhra Pradesh Shops
& Establishments Act, 1988, Adilabad (for short the Authority) dated 6-10-1999 directing the respondents to reinstate the petitioner as salesman forthwith with all benefits and continuity of service.

The petitioner on 7-1-1991 was appointed in the respondent No.2 corporation as salesman on daily wages and continued as such till 20-2-1996 and thereafter the respondents without assigning any reasons have not allowed the petitioner to attend to his duties. The petitioner against the action of the respondents in not allowing him to duties had approached the Authority under Section 48 (1) of A.P. Shops and Establishment Act, 1988 by filing S.A.No.1 of 1997. The Authority allowed the plea of the petitioner and directed the respondents to reinstate the petitioner as salesman. The respondents issued circular in Rc.No.329/2006-Admn, dated 11-8-2006 inviting the local tribal candidates to fill 150 vacancies of salesman in the agency

area. The respondents in the said circular specified that the age of the candidates should be below 34 years.

Learned counsel for the petitioner submitted that the petitioner was about 23 years at the time of his initial appointment on 7-1-1991 and was about 32 years when the Authority on
6-10-199 directed his reinstatement. Learned counsel further submitted that the circular inviting applications to fill 150 vacancies of salesmen prescribing the age of 34 years makes the petitioner ineligible for the post as the petitioner had crossed the prescribed age and at present he is 38 years. Learned counsel therefore submitted that the respondents be directed to implement the orders of the Authority dated 6-10-1999 made in S.A.No.1 of 1997.

The learned Government Pleader for Social Welfare submitted that the cases of the temporary employees who are below the age of 34 years at the time of their initial appointment are being considered and the case of the petitioner will also be considered if he makes an application and was below 34 years at the time of his initial appointment. Learned counsel for the petitioner submitted that the petitioner had already submitted an application for considering his case in terms of the circular dated 11-8-2006.

Heard the learned counsel for the petitioner as also the learned Standing Counsel for the respondents.

Inasmuch as it is stated by the learned Standing Counsel for the respondents that the case of the petitioner will be considered in terms of the circular in Rc.No.329/2006 Admn, dated 11-8-2006 if he makes an application, and if he was below
34 years at the time of his initial appointment and since the petitioner is

said to have already submitted his application for the post of Salesman, I think it appropriate to dispose of the writ petition with the following directions:

If the petitioner submitted his application seeking appointment for the post of Salesman in terms of the circular in Rc.No.329/2006 Admn, dated 11-8-2006, and he was below the age of 34 years at the time of his initial appointment on 7-1-1991, the respondents are directed to consider his case for the post of Salesman and pass appropriate orders. No costs.

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(N.V. RAMANA, J.)

Date:11th October, 2006.

GRK